

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

UNITED STATES OF AMERICA	*	CRIMINAL NO. 05-60062
VERSUS	*	JUDGE HAIK
ALEXANDER ABRAHAM	*	MAGISTRATE JUDGE HILL

RULING ON COMPETENCY

The undersigned Magistrate Judge issued an Order committing Alexander Abraham to the custody of the Attorney General for the purpose of having the defendant hospitalized in a suitable treatment facility to determine if the defendant would obtain the capacity to permit the trial to proceed, and requiring the Director of the facility to which the defendant was committed to provide the court with a certification in the event the defendant attained the capacity to proceed and assist in his defense. [rec. doc. 38]. A Certification and Forensic Evaluation authored by Jean Zula, M.D., Robert J. Koranda, M.S. and Carlton Pyand, Ph.D., dated October 26, 2006, has been received by the court and filed under seal. [rec. doc. 42]. Counsel for the parties were provided with a copy of the report.

A telephone status conference was conducted before the undersigned Magistrate Judge on November 20, 2006. Defense counsel Pride J. Doran and AUSA John Luke Walker attended. Counsel advised that, other than the Forensic Evaluation performed by Jean Zula, M.D., Robert J. Koranda, M.S. and Carlton Pyand, Ph.D., they had no additional evidence to submit. Accordingly, further hearing regarding the defendant's competency was waived, and the matter was submitted on the October 26, 2006 Forensic Evaluation. This Ruling follows.

The undersigned adopts the complete facts, findings, assessment and conclusions articulated in the Forensic Evaluation dated October 26, 2006. Based on the facts, findings, assessment and conclusions articulated in the Forensic Evaluation, and on the opinion by Jean Zula, M.D., Robert J. Koranda, M.S. and Carlton Pyand, Ph.D. that “Mr. Abraham ... does not suffer from a mental illness or defect which prevents him from having a factual or rational understanding of the proceedings against him” and that “Mr. Abraham is not displaying deficits that affect his rational ability to assist his attorney in his defense” and is “able to participate in planning legal strategies, challenging witnesses, and understanding plea options” and therefore that Mr. Abraham “is ready to be returned to Court for continuation of his legal situation”, the undersigned concludes that the defendant, Alexander Abraham, is sufficiently able to understand the nature and consequences of these criminal proceedings and sufficiently able to assist counsel in his defense to support a finding that he is competent to proceed to trial.

Accordingly, the undersigned finds the defendant, Alexander Abraham, competent to proceed to trial.

Signed at Lafayette, Louisiana on November 27, 2006.


C. MICHAEL HILL
UNITED STATES MAGISTRATE JUDGE